

CASCADE COUNTY PLANNING BOARD

May 16, 2017

9:00 am

Court House Annex

325 2nd Ave North

Board Members: Mark Carlson, Charles Kuether, Elliott Merja, Rob Skawinski, Ken Thornton, and Dan Johnstone

Notice: These minutes are paraphrased to reflect the proceedings of the Cascade County Planning Board, and are considered a draft until formally approved by the Planning Board.

Staff Present: Alex Dachs and Nadine Thares

Attendees: Lou Fontana, Patricia Bauer, Rina Moore, and Devin Carlson

1. Call to order: Mark Carlson called the meeting to order at 9:00 am

2. Roll call:

Board Members Present: Mark Carlson, Charles Kuether, Rob Skawinski, and Dan Johnstone

Board Members Absent: Elliott Merja and Ken Thornton

3. Approval of Minutes: April 18, 2017

Charles Kuether motioned to approve the minutes as submitted.

Rob Skawinski seconded the motion.

All in Favor, Motion passes 4-0

4. New Business:

A. Public Hearing: Roman Catholic Church, 1st-Time Minor Subdivision

Alex Dachs presented the staff report. Summation is as follows: the Cascade County Planning Board is in receipt of an application from the Roman Catholic Bishop of Great Falls to approve a minor subdivision plat. The proposed subdivision is located in the S ½ of S36, T21N, R3E, P.M.M., Cascade County, Montana. The land is zoned Urban Residential (UR), with the surrounding land zoned Urban Residential (UR) and Light Industrial (I1). There are no delinquent taxes on this property.

The preliminary plat would turn one 3.27-acre parcel into three parcels of 1.33-acres, .55-acres, and 1.39-acres. Pursuant to 76-3-609 (2) (e), MCA, a public hearing is not required for this minor subdivision.

Access to the subdivision will be granted from existing driveways off Smelter Avenue and a new approach off Wire Mill Road. The parkland requirement is waived pursuant to Montana Code Annotated 76-3-621 (3)(e). An Environmental Assessment is not required pursuant to 76-3-609 (2) (d) (i), MCA. The property is not in a regulated floodplain. The property is not located in the Wild Land Urban Interface as determined by the Community Fire Plan Wild Land-Urban Interface for Cascade County.



The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Black Eagle Volunteer Fire Department. The distance from the Black Eagle's existing Fire Station to the proposed subdivision is approximately .5 mile. Upon approval of the subdivision, Tract 1 will be used to construct a new fire department building.

The applicant wishes to have the property rezoned from Urban Residential (UR) to Mixed Use (MU). Tract 3, a .55-acre parcel north of the Black Eagle Post Office and other parcels, is currently used as a parking lot for the Black Eagle Post Office and adjacent property owners. The applicant has stated that upon approval of the subdivision, it will be sold to existing users and a boundary line adjustment survey will be filed and the addition of sanitary restrictions (consultant notified Staff prior to meeting).

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations.

The following recommendations are provided for the Board's consideration:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Blessed Sacrament Addition Minor Subdivision be **denied**;

Or:

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Blessed Sacrament Addition Minor Subdivision, be **approved**, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of any lien holders or claimants of record against the land (MCA 76-3-612).
4. Pursuant to 7-22-2152, MCA, submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
5. Causing to be recorded on the plat a statement concerning limited public services.
6. Causing to be recorded on the plat an Agricultural Notification Statement.
7. Obtaining approval for the proposed water, sewage, and stormwater disposal systems from state and/or local health departments.

8. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of Wire Mill Road, Smelter Avenue, or any other county road in the vicinity used to access the Blessed Sacrament Addition Subdivision or any other road that can be used to access this subdivision as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.
9. An **approved** approach from Cascade County's Road & Bridge Division for the Black Eagle Volunteer Fire Department on Wire Mill Road.
10. Approval of the request to rezone the property from Urban Residential (UR) to Mixed Use (MU).
11. That a Boundary Line Adjustment be filed upon approval of the subdivision to resolve land ownership for the property represented by Tract 3 of the Blessed Sacrament Addition. Thus providing continued access to the parking facilities and approach to Wire Mill Road for the adjacent properties and the addition of sanitary restrictions (consultant notified Staff prior to meeting).

Board Questions:

Charles Kuether asked for clarification on the ownership.

Alex Dachs replied the church. The rezone has Mr. Filipowicz and the Bishop on the application as it is contingent on the subdivision approval.

Charles Kuether asked for clarification on condition 9, does the Road & Bridge Division install approaches or someone else.

Alex Dachs replied it should say an approved approached by the Road & Bridge.

Public Comment Opened at 9:15 am

Applicant representative Lou Fontana, professional engineer and land surveyor, 200 13th Street North, stated that once approved the property would be divided; the tracts would be donated, leased or sold to the adjacent or new property owners. He added there is a waterline that goes through the property that could provide water to the property; the sewer would have to be rebuilt as it was stubbed out many years ago to allow for the paving of Smelter Avenue. The small lot has a recent resigned lease with the post office.

Proponents:

Patricia Bauer, 215 15th Street, Black Eagle, asked if the church would retain ownership of the church, or would the all of it be sold. What happens to the church, would it be torn down.

Alex Dachs replied the church plans to sell all of it; the adjacent property owners would be taking a portion.

Lou Fontana replied that the church has been sold and someone intends to use it as a business.

Opponents: None

Public Comment Closed at 9:18 am

Board Decision:

Charles Kuether motioned to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact that the Preliminary Plat of the Blessed Sacrament Addition Minor Subdivision, be **approved**, subject to the amended 11 conditions.

Rob Skawinski seconded the motion.

All in Favor, Motion passes 4-0

B. Public Hearing: Blessed Sacrament Roman Catholic Church - Rezone

Alex Dachs presented the staff report. Summation is as follows: the Cascade County Planning Board is in receipt of an application from the Roman Catholic Bishop of Great Falls and James Filipowicz to rezone 3.27-acres, Parcel # 2598100 from the Urban Residential "UR" District to the Mixed Use "MU" District. The applicants have requested to rezone their property at 1325 Smelter Avenue to allow for commercial uses in the existing church and rectory.

The requested Mixed Use Zoning District permits principal uses ranging from residential uses, small scale commercial, and other uses to light industrial, public utilities, membership clubs, and a variety of uses requiring Special Use Permit Applications. The property is seeking to be rezoned to Mixed Use in addition to be reviewed as a three (3)-lot subdivision application.

Law enforcement activities are provided by the Cascade County Sheriff's Department and fire protection support is provided by the Black Eagle Volunteer Fire Department.

Notice of Public Hearing was mailed to surrounding property owners on May 2, 2017. Legal Ads of the Planning Board's Public Hearing were published in the Great Falls Tribune on May 7, & 14, 2017.

MCA 76-2-203 and Chapter 1 of the Cascade County Zoning Regulations list the following criteria and guidelines, which are to be considered with all zoning amendment requests.

The first criteria:

1. Made in accordance with the growth policy.

State statutes specify the following uses and limitations on uses of the Cascade County Growth Policy:

MCA 76-1-605 Use of adopted growth policy.

(1) Subject to subsection (2), after adoption of a growth policy, the governing body within the area covered by the growth policy pursuant to 76-1-601 must be guided by and give consideration to the general policy and pattern development set out in the growth policy in the:

- (a) authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities;
- (b) authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities; and
- (c) adoption of zoning ordinances or resolutions.

(2) (a) A growth policy is not a regulatory document and does not confer any authority to regulate

that is not otherwise specifically authorized by law or regulations adopted pursuant to the law.
(b) A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.

The 2014 Cascade County Growth Policy contains five goals, which the policy defines as a broad, generalized expression of commonly held community values regarding growth, development patterns, and quality of life. They are intended to express the primary theme, or general intent and direction of the growth policy. Each goal also includes a subset of objectives, which the growth policy defines as a more narrowly defined and concrete expression of community intent.

#1. The five goals and their related objectives are:

Goal 1: Sustain and strengthen the economic well-being of Cascade County citizens.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development

Goal 3: Maintain agricultural economy

Goal 4: Retain the presence of the U.S. Military in Cascade County

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

- #2. Whether the zoning regulations have been designed to secure safety from fire and other dangers.
- #3. Whether the zoning regulations have been designed to promote public health, public safety, and general welfare.
- #4. Whether the zoning regulations have been designed to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.
- #5. Whether the zoning regulations have been designed to provide adequate light and air.
- #6. Whether the zoning regulations have been designed to address effects on motorized and non-motorized transportation systems.
- #7. Whether the zoning regulations have been designed to be compatible with urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities.
- #8. Whether the zoning regulations have been made with reasonable consideration to the district's peculiar suitability for particular uses.
- #9. Whether the zoning regulations have been made with a view to conserving the value of buildings.
- #10. Whether the zoning regulations have been made with a view to encouraging the most appropriate use of land throughout the jurisdictional area.

Staff finds the proposed change generally complies with the 2014 Cascade County Growth Policy. The proposal meets the growth policy's goal to sustain and strengthen the economic well-being of the county's citizens. The proposal does not negatively affect Cascade County's rural character, agricultural economy, or the presence of the U.S. Military. Staff feels the proposed change to the Mixed Use District is appropriate in Black Eagle.

The recommendations before you are for consideration today for the public to have an opportunity to voice their approval or concerns. This recommended change will be forwarded to the Commissioners where the public will again be able to address any additional questions or concerns.

MOTIONS:

Alternative One- The Planning Board, after reviewing the staff report and proposed zone change request for compliance with the criteria and guidelines for zoning regulations MCA 76-2-203, adopt the staff report and recommend to the Board of County Commissioners that the request to amend parcel # 2598100 from Urban Residential (UR) to Mixed Use (MU), be **denied**;

Or:

Alternative Two- The Planning Board, after reviewing the staff report and proposed zone change request for compliance with the criteria and guidelines for zoning regulations MCA 76-2-203, adopt the staff report and recommend to the Board of County Commissioners that the request to amend parcel #2598100 from Urban Residential (UR) to Mixed Use (MU), be **approved**;

Board Questions: none

Public Comment Opened at 9:30 am

Applicant's representative Lou Fontana was available for questions.

Proponents: None

Opponents: None

Public Comment Closed at 9:31 am

Board Decision:

Charles Kuether motioned the Planning Board, after reviewing the staff report and proposed zone change request for compliance with the criteria and guidelines for zoning regulations MCA 76-2-203, adopt the staff report and recommend to the Board of County Commissioners that the request to amend parcel #2598100 from Urban Residential (UR) to Mixed Use (MU), be **approved**;

Rob Skawinski seconded the motion.

All in Favor, Motion passes 4-0

5. Old Business: none

6. Board Matters: none

7. Public Comments Regarding Matters within the Board's Jurisdiction: None

8. Adjournment:

Charles Kuether motioned to adjourn.

Rob Skawinski seconded motion


All in Favor, Motion passes 4-0.

Meeting adjourned at 9:35 am



Elliott Merja or Mark Carlson

Aug 15-2017
Date



Brian K. Clifton

8/15/17
Date